



# INFORMATION PRIVACY POLICY

Latest DET Update: 19/04/2017

First Developed in This Format: June 2017

## Rationale

- The legislation governing privacy of information covers student records, staff files and information held by Victorian Government schools and the Department.
- The *Information Privacy Act 2014* applies to all forms of recorded information or opinion about an individual who can be identified, including photographs and emails. It establishes standards for the collection, handling and disposal of personal information and places special restrictions on 'sensitive information' such as racial or ethnic origin, political views, religious beliefs, sexual preference, membership of groups and criminal records.
- The *Health Records Act 2001* establishes standards for the collection, handling and disposal of health information including a person's physical, mental or psychological health and disability.
- Health information can also include access to health services and the nature of these services; however this type of information does not have to be recorded to be classified as health information.
- Photographs, video or digital images of a child are considered "personal information" and therefore their use and disclosure are governed by the *Information Privacy Act 2000* (Vic) (IP Act) and the Information Privacy Principles contained within it.
- The objectives of privacy laws are to:
  - balance the public interest in the free flow of information while protecting personal and health information
  - empower individuals to manage, as far as practicable, how personal and health information is used and disclosed
  - promote responsible, open and accountable information handling practices
  - regulate personal information handling by applying a set of information privacy principles.
- Information privacy principles create rights and obligations about personal and health information; however these only apply when they do not contravene any other Act of Parliament. In most cases there will be no contradiction as the relevant action falls within one of the exceptions within the information privacy principles.
- Schools frequently receive requests for information from a variety of sources. Whilst the first consideration is always privacy legislation, there are a number of situations in which information sharing is lawful.
- The privacy laws do not change the individual's right to access their information that is held by a government school. The individual's right to access remains via a request made under the *Freedom of Information Act 1982*.
- In all cases, before providing information about students, Principals and teachers must be satisfied of the identity of the person seeking information, that the person seeking information is entitled to access the information.
- Where there is any uncertainty, advice should be sought from the Legal Services Unit.

## Purpose

- To ensure Antonio Park Primary School maintains privacy of information.
- To ensure the school complies with the legislative requirements of the *Information Privacy Act 2014* and the *Health Records Act 2001* and DET policy and guidelines.

## Implementation

- This privacy policy will be endorsed by the School Council.
- The school will abide by legislative privacy requirements in relation to how personal and health information is collected, used, disclosed and stored and will be reasonable and fair in how this information is treated, not only for the benefit of staff and students, but also to protect the school's reputation.
- Unless a court order is made under the Family Law Act, both parents of a student have the same rights to access information about the student.

## Enrolment/Admission/Transfer

- The school collects and holds the information required for enrolment/admission (as mandated by DET) in hardcopy and in electronic form. If the student transfers this information will be transferred to the new school.

Note: Transferring student information between Victorian government schools is allowed when:

- parents/carers are informed of the process
  - schools meet the Department's standards in transferring files.
- The school will only use this information for the purposes for which it was collected.

## Medical Information

- The school also collects and holds a hardcopy of such medical information that is required to support and respond to the health care needs of students and to discharge the school's duty of care.
- Where this information relates to a specific medical condition e.g. anaphylaxis or asthma, it will be supported by an Individual Management Plan which is made available to all staff to enable them to support the child if necessary.
- With parental permission, a photograph of the child may be displayed in the general office, staff room and other areas within the school where staff gather. The intent is to ensure all staff who come in contact with the child know who the child is and how to manage the medical condition.
- Health related information will be:
  - kept confidential by the Principal, or
  - shared with:
    - selected staff to the extent they need to know to care for the student, or
    - all staff when they need to know in case of emergencies.

**Note:** Counselling services are health services and records are confidential health records. Confidentiality of information disclosed during a counselling session must be maintained unless the student provides consent or the situation falls into a privacy exemption category.

- Parents/carers of other children will be requested to update medical information annually for the purposes described above.

## Photographs & Films of Children

- The school will
  - advise parents/carers that photographs and/or film may be taken of their child during school activities by school staff
  - control and manage to the best of its ability how and when others collect and publish photographs and/or film of children (i.e. staff from another school)
  - obtain the permission of parents/carers before children's photographs and/or film are published
  - consider whether to allow parents/carers to photograph or film their children participating in school events or performances

## Academic Progress

- To assist decision making about a student's needs, the school will inform parents/carers of the student's academic progress, behaviour, educational options or special educational requirements. (Privacy laws do not restrict this use of the information, as this is the purpose for which it is collected.)

- Unless there is a court order to the contrary, the school will provide academic information to a non-custodial parent if requested.

#### Other

- Some information will be disclosed to staff on a “need to know” basis. For example, if a child has an issue with gender identity (name change) or if the parent/carer provides information about a blood-borne virus, this information only will be disclosed to those staff in direct contact with the child and with the permission of the parent/carer.
- The school will:
  - provide a privacy notice with the enrolment form explaining to the parents/carers (and student) why this information is being collected, what it is used for, where it might be disclosed and how they can access information held about them
  - only use the information collected during enrolment for the purposes that it was collected for.
- On enrolment and at intervals via various permission forms and the newsletter, parents/carers will be advised that they may access their personal information at any time and if needed, correct or update the information. To do this, parents/carers should make an appointment with the Principal.
- The school’s *Information Privacy Policy* will be provided to anyone who requests a copy.

#### Complaints Process

- Parents/carers will be informed that if they have a concern about the collection and/or use of their child’s personal data, they should make an appointment to discuss the matter with the Principal who will attempt to resolve the matter. If required, the Regional Privacy Coordinator can provide the Principal with assistance. All privacy complaints will be treated in the strictest confidence. Please refer to the school’s *Complaints, Parent Policy*.
- If the complainant is not satisfied with the Department’s investigation and response, the complaint can then be taken to the Commissioner for Privacy and Data Protection.

#### Records Management

- The school has a system for managing their electronic and paper records to ensure the authenticity, security, reliability and accessibility of these records.
- All records relating to disciplinary action resulting in expulsion of a student will be destroyed within one year of expulsion of the student.
- Student reports are kept for varying time periods as below. Prep to Year 6 reports will be destroyed six years after student departures.
- The school may consider nominating one member of staff to manage and review the school’s information privacy procedures and controls.
- As part of the regular policy review, a privacy audit will be conducted to determine what information the school collects, how information is used and with whom information is shared and how effective are the data security arrangements.
- All staff, including volunteers, will be briefed annually so they are aware of and compliant with the school privacy policy.
- The school sees no need to disclose personal information to overseas recipients. However, a decision will be made on a case-by-case basis.
- The Principal may directly approve proposals to conduct research where the research is to be conducted by:
  - a member of staff or a member of the parent community of a school enrolled in an undergraduate or post-graduate diploma program where the research is confined to that school
  - students enrolled in Bastow Institute leadership courses: Masters in School Leadership (MSL) (Monash); and Master of School Leadership (Melbourne)
  - studies undertaken by primary and secondary students within their own or neighbouring schools
- For further information, the school will refer to the website below.

- Please refer also to the *Health Care Needs Policy*, the *Freedom of Information Policy*, *Admission & Enrolment Policies*, *Archives & Records Management Policy*, *Duty of Care Policy*, *Parental Responsibilities (Decisions about Children) Policy*, *Conducting Research Policy*, the *Transfers Policy*, the *Photographing & Filming Children Policy*, *Gender Identity Policy* and health specific policies such as the *Anaphylaxis Management*, *Asthma Management* and *Diabetes Management Policies*.

#### **Evaluation**

- This policy will be reviewed as part of the school's three-year review cycle or if guidelines change (latest DET update late April 20)

This policy was ratified by School Council in July 2017

Reference:

[www.education.vic.gov.au/school/principals/spag/governance/Pages/privacy.aspx](http://www.education.vic.gov.au/school/principals/spag/governance/Pages/privacy.aspx)